

**United States Bankruptcy Court
EASTERN DISTRICT OF WISCONSIN**

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND
ABANDONMENT**

HSBC Bank USA, National Association, as Trustee for Carrington Mortgage Loan Trust, Series 2007-HE1 Asset-Backed Pass-Through Certificates the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively the “Movant”), has filed papers with the court for an order for relief from the automatic stay and abandonment.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion then, **within 14-days of the date of this notice**, you or your attorney must:

File with the court a written objection to the motion and a request for a hearing at:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4500

If you mail your request and objection to the court for filing, you must mail it early enough so the court will receive it within 14-days of the date of this notice.

You must also send a copy to:

Matthew Comella
Codilis, Moody & Circelli, P.C.
15W030 North Frontage Road, Suite 200
Burr Ridge, IL 60527

Rebecca R. Garcia
Chapter 13 Trustee
P.O. Box 3170
Oshkosh, WI 54903-3170

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 25, 2019

Signature: /s/ Matthew Comella

Shawn R. Hillmann, Bar#1037005
Emily E. Thoms, Bar#1075844
Rachael A. Stokas, #61282MO
Gloria C. Tsotsos IL Bar#6274279
Peter C. Bastianen, IL Bar#6244346
Matthew Comella, Bar#1096303
Codi C. Gratz, Bar#1086257
Berton J. Maley, IL Bar#6209399
Matthew.Comella@codilis.com
Codilis, Moody & Circelli, P.C.
15W030 North Frontage Road, Suite 200
Burr Ridge, IL 60527
(630) 794-5200 Phone
(630) 654-9946 Fax
50-18-00634

NOTE: This law firm is a debt collector.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

IN RE:) Chapter: 13
Ronald L. Le Tendre)
) Case No. 18-21981-kmp
Debtor(s).)
) Judge Katherine M. Perhach

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT

NOW COMES HSBC Bank USA, National Association, as Trustee for Carrington Mortgage Loan Trust, Series 2007-HE1 Asset-Backed Pass-Through Certificates (hereinafter “Movant”), by and through its attorneys, Codilis, Moody & Circelli, P.C., and moves this Honorable Court pursuant to 11 U.S.C §362(d) for an Order granting Movant relief from the automatic stay, and pursuant to 11 U.S.C §554(b) and F.R.B.P. 6007(b) for an Order abandoning property of the estate, and in support thereof states as follows:

1. The Debtor(s) is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 2523-A N 36th Street, Milwaukee, Wisconsin 53210 (hereinafter “Subject Property”). A copy of the Note and Mortgage are attached hereto and their contents are incorporated herein by reference;
2. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor(s) filing of this petition on 3/9/18;
3. Movant is entitled to relief from the automatic stay under 11 U.S.C. §362(d) for the following reasons:
 - a. As of 02/19/2019, the Debtor(s) is past due for the 4/1/18 post-petition payment and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
 - b. As of 02/19/2019, the post-petition monthly mortgage payments have not been received as required by the terms of the plan in this case and the Movant’s records reflect that the following post-petition arrearage has accrued:

# of Missed Mortgage Payments	From	To	Monthly Payment Amount	Total Amount Missed
2	4/1/18	5/1/18	\$569.76	\$1,139.52
6	6/1/18	11/1/18	\$609.38	\$3,656.28
1	12/1/18	12/1/18	\$614.33	\$614.33
2	1/1/19	2/1/19	\$880.54	\$1,761.08
Less post-petition partial payments (suspense balance)				(\$237.72)
POST-PETITION ARREARAGE				\$6,933.49

- c. As of 02/19/2019, the total post-petition default through and including 2/1/19 is \$7,914.49 This amount includes post-petition attorney fees in the amount of \$981.00. Any payments received after this date may not be reflected in this default;
- d. On 03/01/2019, the default will increase and will continue to increase as additional amounts become due;

4. That the estimated fair market value of the property per Debtor's schedules was approximately \$30,000.00;

5. As of 02/19/2019, the estimated payoff amount was \$84,632.52;

6. To the best of Movant's knowledge, no non-exempt equity exists in the subject property or any equity that does exist is so insubstantial as to be of little or no benefit or burdensome to the estate. The lack of equity in the property, which is unnecessary for an effective reorganization, entitles the Movant to relief from the automatic stay under Section 362(d)(2) of the Bankruptcy Code;

7. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding which have been included in the calculation of any default figures quoted herein subject to court approval, including:

\$800.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same

\$181.00 for Court filing fee

8. The Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

WHEREFORE, Movant prays this Court enter an Order pursuant to 11 U.S.C. §362(d) for an Order modifying the automatic stay as to Movant, and pursuant to 11 U.S.C. §554(b) and F.R.B.P. 6007(b) for an Order abandoning property of the estate, that Movant's legal fees and/or costs associated with this motion be approved, that any order entered pursuant to this motion be effective immediately upon its entry and for such other relief as may be just and equitable.

Dated this February 25, 2019.

Respectfully Submitted,

Codilis, Moody & Circelli, P.C.

By: /s/ Matthew Comella
Attorney for Movant

Shawn R. Hillmann, Bar#1037005
Emily E. Thoms, Bar#1075844
Rachael A. Stokas, #61282MO
Gloria C. Tsotsos IL Bar#6274279
Peter C. Bastianen, IL Bar#6244346
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

IN RE:) Chapter: 13
Ronald L. Le Tendre)
) Case No. 18-21981-kmp
Debtor(s).)
) Judge Katherine M. Perhach

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice and Motion upon the parties listed below, as to the Trustee, U.S. Trustee and Debtor's attorney via electronic notice on February 25, 2019 and as to the debtor and the attached list of creditors by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on February 25, 2019.

Rebecca R. Garcia, Chapter 13 Trustee, P.O. Box 3170, Oshkosh, WI 54903-3170 by electronic notice through ECF

Ronald L. Le Tendre, Debtor(s), 6700 S 20th St., Milwaukee, WI 53221

Richard A. Check, Attorney for Debtor(s), 757 N. Broadway Street, Ste 401 , Milwaukee, WI 53202 by electronic notice through ECF

U.S. Trustee, U.S. Trustee's Office, 517 East Wisconsin Avenue, Room 430, Milwaukee, WI 53202 by electronic notice through ECF

*** See attached list.

Codilis, Moody & Circelli, P.C.

By: /s/ Matthew Comella
Attorney for Movant

Shawn R. Hillmann, Bar#1037005
Emily E. Thoms, Bar#1075844
Rachael A. Stokas, #61282MO
Gloria C. Tsotsos IL Bar#6274279
Peter C. Bastianen, IL Bar#6244346
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Burr Ridge, IL 60527
(630) 794-5200 Phone
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50-18-00634

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Creditor List

Alliance Collection Ag
3916 S Business Park Ave
Marshfield, WI 54449-9029

Alliance Collection Agencies
PO Box 1267
Marshfield, WI 54449-7267

Bank of America
NC4-105-03-14
PO Box 26012
Greensboro, NC 27420-6012

Bankamerica
PO Box 982238
El Paso, TX 79998-2238

Capital One
15000 Capital One Dr
Richmond, VA 23238-1119

Capital One
Attn: General Correspondence/Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Carrington Mortgage SE
15 Enterprise
Aliso Viejo, CA 92656-2652

Carrington Mortgage Service. LLC
PO Box 3489
Anaheim, CA 92803-3489

Cbe Group
Attn: Bankruptcy Department
PO Box 900
Waterloo, IA 50704-0900

Cbe Group
1309 Technology Pkwy
Cedar Falls, IA 50613-6976

Cbna
PO Box 6497
Sioux Falls, SD 57117-6497

Chase Card
PO Box 15298
Wilmington, DE 19850-5298

Citi
PO Box 6241
Sioux Falls, SD 57117-6241

Citibank/the Home Depot
Citicorp Cr Svcs/Centralized Bankruptcy
PO Box 790040
Saint Louis, MO 63179-0040

Citicards Cbna
Citicorp Credit Svc/Centralized Bankrupt
PO Box 790040
Saint Louis, MO 63179-0040

City of Milwaukee
200 E Wells St
Milwaukee, WI 53202

City of Milwaukee
6352 N 101st St
Milwaukee, WI 53225-1514

Credit Coll
PO Box 607
Norwood, MA 02062-0607

Credit Collections Services
Attention: Bankruptcy
725 Canton St
Norwood, MA 02062-2679

Credit One Bank NA
PO Box 98873
Las Vegas, NV 89193-8873

Credit One Bank NA
PO Box 98875
Las Vegas, NV 89193-8875

Discover Fin Svcs LLC
PO Box 15316
Wilmington, DE 19850-5316

Discover Financial
PO Box 3025
New Albany, OH 43054-3025

Ditech
Attn: Bankruptcy
PO Box 6172
Rapid City, SD 57709-6172

Ditech Financial LLC
332 Minnesota St Ste 610
Saint Paul, MN 55101-7707

Falls Collection Svc, Inc
N114W19225 Clinton Dr
Germantown, WI 53022-3015

Fincntrl Svc
PO Box 668
Germantown, WI 53022-0668

Harris
111 W Jackson Blvd
Chicago, IL 60604-3589

Harris & Harris
111 W Jackson Blvd Ste 400
Chicago, IL 60604-4135

Harris & Harris of Illinois LTD
111 W Jackson Blvd Ste 400
Chicago, IL 60604-4135

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Nationstar Mortgage LLC
Attn: Bankruptcy
8950 Cypress Waters Blvd
Coppell, TX 75019-4620

Nationstar/mr. Cooper
350 Highland Dr
Lewisville, TX 75067-4177

State of Wisconsin Dept. of Revenue
PO Box 8901
Madison, WI 53708-8901

Thd/Cbna
PO Box 6497
Sioux Falls, SD 57117-6497

Thhd/CBNA
PO Box 790040
Saint Louis, MO 63179-0040

WE Energies
Attn: Bankruptcy
PO Box 2046
Milwaukee, WI 53201-2046

Wells Fargo Hm Mortgag
8480 Stagecoach Cir
Frederick, MD 21701-4747

Wisconsin Electric Pow
333 W Everett St
Milwaukee, WI 53290-0002

Ditech Financial LLC
c/o Gray & Associates, L.L.P.
16345 W Glendale Dr
New Berlin, WI 53151-2841

Nationstar Mortgage LLC d/b/a Mr. Cooper
c/o Gray & Associates, L.L.P.
16345 W Glendale Dr
New Berlin, WI 53151-2841

New Penn Financial, LLC d/b/a Shellpoint
Mor
P.O. Box 10675
Greenville, SC 29603-0675

Wells Fargo Bank, N.A.
c/o Gray & Associates, L.L.P.
16345 W Glendale Dr
New Berlin, WI 53151-2841

Ditech Financial LLC
P.O. Box 6154
Rapid City, SD 67709-6154

LVNV Funding, LLC its successors and
assigns
Assignee of Citibank, N.A.
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Office of the U.S. Trustee
517 East Wisconsin Ave
Room 430
Milwaukee, WI 53202-4510

Wells Fargo Bank, N.A.
Default Document Processing
N9286-O1Y
1000 Blue Gentian Road
Eagan, MN 55121-7700

Wells Fargo Bank, N.A.
Attn Bankruptcy Dept Mac X7801-014
3476 Stateview Blvd
Fort Mill, SC 29715-7203

Rebecca R. Garcia
Chapter 13 Trustee
PO Box 3170
OshKosh, WI 54903-3170

Richard A Check
Bankruptcy Law Office of Richard A Check
757 North Broadway
Suite 401
Milwaukee, WI 53202-3612

Ronald L. LeTendre
6700 S 20th St.
Milwaukee, WI 53221-5227